

Hearing no further comments, Cheryl Greenway called the question. The motion passed unanimously, 5-0.

Greenway thanked the Commission and the applicant for their patience. She pointed out to Brad Townsend that on page 4 of that where he does list his staff recommendations. The first line says approval of the rezoning request. But it wasn't a rezoning. So she just wanted to make sure that doesn't get in to the mayor and city council.

REZONING

12-0546

RZ12-09, CV12-04

PRIME INTEREST, INC.

Pine Street at Chattahoochee

Land Lot: 382

Brad Townsend stated that this is a rezoning request and a concurrent variance for a 16-lot attached development on Chattahoochee Street and Pine Street. He presented an aerial of the property. One can see Atlanta Street at the north end, Chattahoochee Street to the west, Pine Street to the south, commercial development all to the east. It is a residential area. The green area shows the outline of the property. It is the combination of several lots in this area. This is the preliminary site plan showing the 16 lots with the one row connecting to Chattahoochee Street to Pine Street. This is approximately 3.4 acres of property for 16 attached residential homes. Each home will be on its own lot of record. The proposed development is surrounded by single family or duplex homes as well as commercial development. The existing neighborhoods are the Enclave at Chattahoochee. It is a single family detached condominium and Azalea Point is a subdivision with minimum lot sizes of 16,000 square feet. The Design Review Board reviewed this application on January 3, 2013 and had some concerns with the development. They are included in the Commission's back up material. There are five specimen trees on the property to be removed. There are two specimen trees proposed to be saved. The landscaping plan includes a mixture of elm and maples.

There are four variances requested. The applicant is requesting a front yard setback variance from major streets from 50 feet and minor streets of 30 feet. The applicant is requesting a front setback of five feet. The second variance setback reduction abutting the R-2 zoning required from 50 feet to 25 feet. The third variance is the buffer reduction abutting an R-2 designation from 40 feet down to 20 feet. The final variance is to increase the lot coverage for each lot requirement from 40 percent to 45 percent.

After review of the site plan staff has recommended that Lot 4 have a side setback of 20 feet. This ends up being a corner lot when one looks at the application. Staff indicates that that should be a minor Street setback of 20 feet instead of as proposed on the plan of five feet.

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Staff has included recommended conditions dealing with the variances as well as the setbacks. They are included in the Commission's backup material.

In summary staff would recommend approval of the variance dealing with Lot 4 and approval of the other variances.

Brad Townsend asked if there were any questions from the Planning Commission for staff at this time.

Bryan Chamberlain stated that in moving Lots 4, 3, 2 and 1 to the west 15 feet in order to accommodate the 20-foot. Looking at from Lot 1 west to the 50-foot setback...Brad Townsend stated that there was room to do it. Chamberlain stated that is really the question. Is there enough room to do that without creating another problem that has to be visited?

Brad Townsend stated that what staff was indicating is on that western property line of maintaining the same buffer all the way along it. He believes it was a 20-foot buffer and that way all of those lines remain similar for the setbacks from the R-2 designation.

Bryan Chamberlain thanked Brad Townsend.

Cheryl Greenway asked if there were any additional questions for the city.

Harvey Smith stated that this is more of a DRB question too but he knows they had some concerns about how they would be attached. He knows that even with the previous applicant with their concept it seems like they are just trying to create...this R-TH, they don't have a zoning for this type product and he knows they are addressing that with this, what is really a cottage type community. But Smith has his concerns that they are really just trying to make the density work on this small piece of property and it just appears that there is a loophole to make them attached, to make it fall under the town home guidelines. He is really just trying to build single family homes with...what is the space between? What do they have? Smith stated that he knows it is a smaller scale but is it the distance between the houses?

Brad Townsend stated that it is less than 10 feet. Harvey Smith asked if they are going to get life and safety issues too with the fire code? Are they going to have to have one-hour fire assemblies and that type of thing? Brad Townsend stated that they would. Smith asked if the applicant will elaborate on that at the proper time. That is his initial question and he knows they will delve into it. They are just trying to make this code work for this piece of property and it is just not really the right...they are putting a square peg in a round hole to increase the density. That is his initial concern and how it will look. Townsend stated that he thinks Smith assessed it correctly. Smith thanked Townsend.

Bryan Chamberlain stated that he did have another question for Brad Townsend. On item No. 2 under staff recommendations it says garages for the homes must be used for cars

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only. Does that mean in a light-hearted way that there will be no children because there are no bicycles or tricycles? There would be no lawn mowers?

Brad Townsend stated that the intention was that they couldn't be used as storage. That if one takes his two car garage and fills it full of boxes and cars and tricycles and do not allow the car to be stored into it, the car is then always hanging over the sidewalk into the road. But if the car is allowed to be stored in the garage without it being hindered, then one has at least clearance over the sidewalk when the units are that close to the street.

Bryan Chamberlain asked if there was a different way to word this. Brad Townsend stated that he is sure they need to be talking to attorneys about it, but he is sure that they can word it differently. But that was the intent of what they were trying to install. Once one pushes that unit so close at five feet he wants to make sure that that garage is never converted into another bedroom, converted into something else.

Lisa DeCarbo stated that she wanted to concur with Harvey Smith again. She thinks this is another thing where they are trying to create a product without the zoning category in place. And they are working on the UDC and what concerns her is going ahead with this kind of zoning would allow that footprint but without the kind of design guidelines that actually make it work and make it a good neighborhood. Those things are being developed. It is the same kind of thing by just attaching these homes the way they are attaching them. She thinks they do preserve all of the fire hazard issues. They have all of these front entry garages which are likely not going to be the preferred method of car storage in this kind of product. She thinks the rear alleys...she agrees with the Design Review Board. The rear entry ones are fabulous. That is a great way to address how one faces Pine Street. But it should be the same kind of thing the way they address the internal street, the new internal street. Brad Townsend agreed.

Cheryl Greenway asked if there were any other questions or comments for the city?

Joe Piontek stated that this was his old back yard. He used to live in Azalea Point on Heritage Trail and they always used to look out the back and see this piece of property and know that it was going to be developed one day. And it is great. They always in favor of this redevelopment but there is this UDC coming in and there is going to be some really great different styles that can be put in there. If these are just going to be a lot of houses with garages facing the street he can see a problem with that.

Cheryl Greenway stated that thinks the Commission is good with the city for right now. She is sure they will have more questions later. She asked the applicant to please come forward and state his name and his connection to the applicant.

Kenneth Wood, 350 Research Court, Norcross, GA stated that he represents Greg Goldenberg with Acadia Homes and Marty Orr with Prime Interest on the development of Pine Street. The project that the Commission saw is the 3.38 acres and it is nestled down off of Chattahoochee as one comes off of Atlanta Street. Then Pine Street intersects

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it and it forms kind of in that wedge behind the homes. A portion of the property right now is a clear. There used to be an existing house there that was demolished. It backs up to the commercial developments that are there. The existing zoning currently, right now is R-2 and they abut right up against the commercial. In looking at the project they actually thought it was a great transition to the R-TH from the commercial to the R-TH then down to the R-2 and then further as one gets down towards the river to the lower density.

What they are looking at is the rear loaded product that the Commission has on there that they can see are the ones that face Pine Street. Those are the four rear loaded homes. What they are proposing is a public road that would go through the community and tie in from Chattahoochee back down toward just about the end of Pine Street. Pine Street is a dead end road that would end at that location.

The biggest point of looking at this development is Acadia is very excited about this development because it is a very charming community. It is nestled...what brings the vibe of what they are looking for is it is very close to downtown, it is very close to the trails across the street down where a mill is. It is very close to Canton Street. So, one is very embedded into the Roswell community and it is nestled back in the back. It provides a very charming streetscape. They basically have a roadway coming off of Chattahoochee with landscaping on each side of it and then one would come into the community and continue to have landscaping on the left and right and then it would open up into the community as the road straightens up. From the other side of Pine Street one has the homes that abut and what they are proposing in their development is they are proposing to have a landscape street, sidewalk improvements, and then another landscape strip and then the homes.

They have sidewalks on both sides of the development. When they met with the neighbors one of the big resounding things was that there are not many sidewalks in the area. So, on both frontages of the development they have sidewalks that link into both frontages on each side of their internal road.

In addition to that, on the site plan what they have done, the way they have configured it is as one comes in he has the front loaded homes and different than they feel like is Wood feels like the design of homes are extremely charming. Greg Goldenberg with Acadia has actually built these in Crabapple and they are extremely successful. Different than the last image, they have an image of the arbor that they are proposing. Wood stated that he can pass it around. He does not have it in color but it is much more decorative with gates, the brick, the arbor and everything that would...what they are trying to do is make it very streetscape as one drives down the road. So, as one comes down the road the town homes are pretty much backed up from the back of curb to allow the landscape strip, the sidewalk and then room for a car to the garage.

There was one comment that Wood will get to in just a second, the staff recommendation about being at the five-foot setback. That works very well with the ones along here on

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these. They actually wanted to back them up a little bit more because they did not want the cars hanging over the sidewalk. So, that was one of the things that they looked at.

Storm water is always a big concern in the community. The applicant has met with Danelle Volpe and they have a storm water facility that is a retention and detention facility in the corner, here. They had also proposed over in this buffer to have an infiltration system. The staff recommendation actually really helps and actually changes that design for the better in taking this buffer and making it uniform along here. They are actually able to put that infiltration system back here and make it more planted so that one would have a natural buffer and then the replanted storm water system. That is the plan of how they are looking at designing that part of the community.

The staff comments that the Commissioners have before them, Kenneth Wood stated that they are acceptable to all of them. They agree with them. The only one is on no. 3 where it says the front of each home must sit at the five-foot front setback line. They are okay with that on the ones facing Pine Street on the internal road. They need a little bit more lead way to back them up just so that they can have room for the landscape strip, the sidewalk, and enough for the car to be able to sit not overhanging the sidewalk. Wood thinks that is important to have them backed up a little bit more along with the arbors and the type of landscaping and home facility that they will have there.

Wood also wanted to point out that the connection...one can see it at the bottom page kind of in red, the transportation recommendation. One of the things the applicant has looked at as Wood talked about earlier about the intrigue of the community and really wanting to be here because it is a nice community. It is tucked away and it will be a very architectural pleasing, which he will get to in one second.

The proposal as the applicant understands it would be to have a roadway connection that would literally go like through these lots somewhere and go under Atlanta Street and connect over. To the applicant they feel like just the character of the neighborhood would be...even for people not in this direct community would be affected because one is literally a public roadway right into the middle of a neighborhood. They just feel like there has got to be a better location to bring a major system improvement like that. Just from people walking under a bridge or any of the kids playing in the neighborhood that could walk under that bridge it doesn't feel aesthetically right or fundamentally right to them. So they would really not like to see that improvement imposed.

Kenneth Wood stated that he would like to leave a little bit of time. Greg Goldenberg is here. He is the builder and he has the product that he has built in Crabapple so that he can show the Commission what the applicant is looking at so they can get comfortable with the front and rear entry.

Greg Goldenberg stated that he was president and chief executive officer of Acadia Homes and Neighborhoods. They build around 200 homes a year with an average sales price of a little over \$300,000. The architecture that one sees here are both renditions and

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actual pictures of homes that they have done in Crabapple Station and Crabapple Crossroads up in the city of Milton. They came in after those developments failed at the down turn and started a building program in there and were very successful and have subsequently sold out and are doing another project in the city of Milton that will have this same product. And that will get going this summer.

As one can see from the architecture, Acadia tries to create a very old-timey neighborhood feel. There are flower boxes, large bay windows, lots of stone detail. These homes also, are very large. The ones the Commission sees here are over 3000 square feet, with a mixture of both master on the mains and master up so that they can get both empty nesters and also families as well.

Goldenberg stated that he wanted to address the question about the garages and the driveways and getting cars in the garages. They will have a mandatory homeowner's association that will require that no cars be left outside out front. They have to be parked in the garages. That is how they actually publish it, write that in is that they have a mandatory homeowner's association that will require that cars be parked in the garages in the evenings.

Lisa DeCarbo stated that what the Commission is seeing...these homes that they see up on the screen and they also looking at the existing ones. Those will only be the ones that are along Pine Street. What they are going to be seeing in most of the development are the ones with the garages facing the street. They are going to be right up to the street pretty close. Greg Goldenberg stated that was correct. DeCarbo clarified that still a lot of that streetscape is going to be taken up with the drives.

Goldenberg stated that they are going to do as much as they can with carriage style garage doors, arbor structures, just to try to minimize what one sees in terms of the garage. With the width of the homes that they have one does see that the garages do take up the majority of the elevation. So, it is very important to the applicant to make sure that they disguise those, make them as aesthetically pleasing as possible with carriage style garage doors, arbor structures which are hard to see. He passed around a drawing that shows an arbor structure over that one garage. There will be trestle treatment in the gables as well as shed dormers. A lot of architectural detail to keep one's eye focused away from the garages as much as possible.

Harvey Smith asked Goldenberg what the dimensions are of the footprints that are drawn on the site plan? Goldenberg stated that the front loaded units are 38x58 with a deck. The rear loaded units are 37 x about 61.

Lisa DeCarbo asked if they then will have a double garage on the front within that 38-foot width. The front loaded? Goldenberg stated that the 38 and then the 37 in the back.

DeCarbo wondered as far as the way the open space is laid out within the community they are talking about looking for a few nesters but also with that kind of square footage

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house they also are looking for families. Is there any consideration for more of a public place than say having the open space as just these leftovers? They don't seem to have a playground or anything like that.

Greg Goldenberg stated that when one drives in with the landscaping on each side there is a common area on the left-hand side that currently right now is kind of a grass, kind of small shrub area that would be improved. It is about 55 feet from that property line to that home right now currently. Also, in between the alley and that home there is another corner area that is kind of like a side yard as well.

Cheryl Greenway stated that Greg Goldenberg talked about having a homeowner's association that would require cars to be parked in the garage. That is assuming that the people living there are only going to have two cars. So, she is a married couple there and she has a 17-year-old son who she has a car for. It is going to be in the driveway.

Greg Goldenberg stated that typically that is enforced that one cannot leave a car in the driveway all the time. So, they wouldn't be allowed to do that.

Cheryl Greenway asked staff if that is any of the city's rules.

Goldenberg stated that it would be in their homeowner's association that one can't have a car out front that stays out front all of the town. Cheryl Greenway stated that the only people that could live in these houses would be people with no children.

Goldenberg stated that children that go to college that have a car...Greenway stated that they come home, they have got to put the car somewhere. She stated that just from living on a street and watching the activity, it is very rare anymore that one sees a driveway that doesn't have an extra car in it because of kids, people visiting, etc. One has relatives that come in for the weekend to visit; they have got to park their car somewhere. She sees it as a problem. Greg Goldenberg stated that it was difficult to enforce, there is no doubt about it.

Lisa DeCarbo stated that she has been president of a homeowner's association and unless one is prepared to tow that car every night during Christmas break, this can't be enforced. It is a great idea. It is a great intention but it is one that she has never seen that one could follow through on. Personally, she thinks the front loaded units are in general a problem. She thinks they talked very eloquently and she loves the design of the homes, the quality of the construction. She thinks that the period details are fabulous. But if they are talking about something that is a transition from the commercial into these single family residential, what they are talking is something that is again, a very walkable neighborhood and putting the sidewalks in is a fabulous start. But the street itself, the main road through the properties, till basically are car oriented because of the front loading. It is very much vehicular oriented. It doesn't have that same kind of village feel that is the intention in this area as far as stepping down from the commercial into the

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single family. It just feels like they are going to have some more guidelines and such in place in a relatively short time that would address this a little better.

Harvey Smith stated that he is sure that the applicant has done a site plan analysis. The current zoning was R-2. He thinks that is a 12,000 foot lot. What lot yield would they have had without rezoning the property?

Kenneth Wood stated that he does not remember looking at it as the R-2. Is it their existing conditional zoning on it or is straight R-2? Brad Townsend stated that it was straight R-2. Is it 2.1 max density? Townsend stated that it was 3.4. Harvey Smith stated that it is a 12,000-foot lot. Wood stated that it is a weird shaped property with the carve out stuff so one probably wouldn't get to that, so maybe call it nine...eight or nine. But with straight 12,000-foot lots than one would push the homes back and there are longer driveways and it doesn't feel as charming as what they are trying to create with the arbors and everything in here. With the front loaded, he knows that him personally, with a family, the back yards are a lot more important than a rear alley to him.

Harvey Smith thanked Kenneth Wood.

Cheryl Greenway asked if there were any other questions for the applicant.

Lisa DeCarbo stated that the applicant had misgivings about doing vehicular connectivity and instead of it going onto Holcomb Bridge Road, what transportation was suggesting to him was a connection that went under Holcomb Bridge Road to another development on the other side. Is that correct?

Kenneth Wood stated that the way they understand the request...He will let the transportation director...Lisa DeCarbo asked to ask this part. Would the applicant consider pedestrian access to Atlanta Street?

Steve Acenbrak stated that the transportation department's thought on it, they are not going to be hard core on that answer but the thought on it is if it kind of a tunnel under and it comes right into the middle of a subdivision it just kind of feels a little dangerous to them and kind of takes away from the...if it is a trail that just went out to a road it would feel a whole lot different. That is just their thought on it.

Lisa DeCarbo stated that is the way she was looking at it. If they are talking about making that whole section of Atlanta Street a more walkable neighborhood with the traditional neighborhood retail and such. It would seem that it would be logical certainly to make a pedestrian connection.

Kenneth Wood stated that the bridge with it going underneath and connecting to the other side then the first thing they think parents are going to worry about is who is going to come from the other side and potentially do something in that neighborhood and then go

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right back to the other side of the road. The charm and the safety of it are the reasons they have tried to rebuttal it as much as possible.

Cheryl Greenway asked if there were any further questions for the applicant or is there anything else the applicant would like to present at this time? Kenneth Wood stated that he did not have anything.

Greenway asked transportation to come up and let the Commission hear what he has to say and then if the applicant would like to add more after transportation talks, that would be fine. Then they will open the meeting up for public comment.

Steve Acenbrak stated that he had a little story. He is going to go through a couple of slides here for the Commission just to tell them what they are thinking. The city has...nobody comes to Acenbrak in the grocery store and says, "I love living in Roswell because of the reversible lanes." It is uniformly detested by everybody, both visitors and residents alike. So they have spent years and years trying to figure out how to get rid of the reversible lanes in what they call a context sensitive way, which is a Roswell character sort of way. So they have come up with a plan and this is just a graphic that shows the potential for what they are essentially doing is adding a fourth lane. They are doing a fourth lane in a way that there will be two lanes in each direction. They are talking about 12-15,000 cars a day. It is going to grow over time. But just to orient the Commission, on this map is Barrington Hall and this is Chattahoochee and King Street, this goes through the historic area and down to the river. One does not need to know all of these details but what RDOT has done is they have looked at the area to the east and north of SR 9 is largely undeveloped right now.

They came up with a lot of different ideas about how to run the road and they came up with this concept of having two roundabouts. There is a roundabout at Chattahoochee and King and then there is another roundabout in the vicinity of the Baptist Church. The idea is that the old way they did roads was they built four lanes and then they built this 14-foot center turn lane for people to turn left in and out to go, like they have in midtown and like the Commission has seen all over the place.

The problem with that is they have a very narrow right-of-way through the historic gateway area. So, what these two roundabouts allow them to basically use as bookends and so the through traffic can still go through Roswell but the local traffic will go to the roundabout and make a u-turn and turn right in and right out and so they have this skinny median that goes along and allows the road to handle the traffic while being very respectful of the local area. So that is the core element.

Steve Acenbrak stated that he would like to drill into that a little bit more. Here is an aerial photograph showing basically this same area and Acenbrak wanted to tell the Commission that this is the transportation department. They have about two years into this project now. They have hired a consultant, they have been working this. They have had numerous public meetings, they have gone through this. So what RDOT hears at

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many of these public meetings is, "I love the idea or maybe I wasn't cool on the idea but as I think about the way you guys did it I am kind of learning to understand that this could work for us." But one of the things that they came up with at the public meetings was, "Okay, what if I live over here and I want to go to this really cool future development that has Starbucks and bookstores and really nice places and I just want to cross the street?" It is a valid concern. So RDOT started drilling into that. Here are the details.

Here are the two roundabouts and they are about 1300 feet apart. The roundabouts will have crossings for pedestrians but if one lives here and he wants to go over here, he is going to walk down to the roundabout and go across and then walk down. Maybe one will do that but maybe he will just be impatient one day and he just wants to run across the street. They don't want people to be forced to do that. So they started looking at some ideas.

Here is the develop that the Planning Commission is talking about today. If one goes back to this graphic the idea is okay, well if they were going to have a crossing what if they put it in the middle between these two roundabouts? Somewhere like this and what they started looking at was actually, the topography is pretty favorable. If one goes on either side of...the road basically runs along a ridge line where it sort of falls off in each direction. In fact, this parcel that they are talking about now, it sort of falls off. There is sort of a commercial plateau and then behind that it sort of falls off. So they were thinking what if they had a tunnel underneath this new road complex.

One of the other things that Acenbrak will tell the Commission that they have been charged with just to go back to this graphic here. Is that what they want to do is provide connectivity for the local residents. One of their charges is to help people that are going to mostly live say south and west of here to get around with having to get on SR 9. Just rear connections if one will. Well, the topography is pretty steep in that area and Acenbrak can tell the Commission that RDOT has walked all along it and there are not a lot of options. They are not going to leave any stone unturned, but it is going to be challenging. So, what they thought of was not only can people get back and forth across this if there was say a magical road connection underneath. Acenbrak is talking about a very tasteful, say a stone arch with two narrow lanes and some sidewalks, just enough for the locals. It is not going to be people going from Gwinnett County to go to Cobb County through this tunnel, it is just a little local connection for people to go back and forth, walk their dog, ride their bike, whatever.

The RDOT thought they could also help the people that live in this quadrant if they went to the roundabout and maybe they want to go over to Barrington Hall again without getting on SR 9, just local trips.

So, RDOT has a couple of ideas. One is the pedestrian underpass, vehicular underpass. It starts with vehicular. It doesn't add up to be vehicular, maybe it narrows down to pedestrian. They, again would like to negotiate. There is not a lot, there is very sleek,

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nothing is really on the north side right now so they are looking at a parcel or two to the south side and again they are just kicking around this idea as a matter of discussion. They really hadn't anticipated having this discussion yet but with this development that showed up they felt an obligation to at least pursue it. So, it could be somewhere in here it doesn't have to be exactly in the middle, it was just a concept.

Another concept that RDOT had was if it is not a pedestrian underpass, perhaps it is that grade meaning that they would have what they call a Hawk Beacon. A Hawk Beacon is a relatively new concept in transportation. It is basically a traffic signal that rests in dark. It is just black. Then, when a pedestrian comes up it goes through this signal where the two red lights wig-wag. It stops the cars, the pedestrians cross, it goes to yellow, it turns off and then the traffic starts. It is basically a traffic signal specifically and only for a pedestrian that pushes a button. They haven't really modeled that yet. None of this has been rolled out to the public so RDOT is just talking at the staff level about a concept.

The other concept is that maybe more than one of those. So, what is going to happen? This is new science these multilane roundabouts. Federal Highway is going to require RDOT to put these Hawk Beacons in at the intersections anyway for pedestrians. Again, the roundabout will operate in free flow all of the time except when a pedestrian wants to cross the multiple lanes then the signal will come on, stop the traffic, pedestrians will cross, the signal will go dark and then the traffic will flow again. They thought about what if they moved those to Hawk Beacons out into the third points to allow the people to just make crossings back and forth.

These are RDOT's thoughts at this point. Acenbrak understands the applicant...in fairness to them they could never have known that the staff was kicking around these ideas so he accepts that it is kind of a new concept to them. But, again RDOT felt pressure to at least make the comment that they were sensitive to the crossing movements across this new roadway thing and they are looking for options. They hope they can make it work out but they would welcome any comments or thoughts along those lines and their position is the site plan didn't anticipate it but perhaps if they did know that this community would be directly connected to the future development maybe that could be an amenity then since it doesn't exist right now. People would come in there and see that it already exists and they might say, "Gee, I really like that because I want to go to the national park, I want to use those trails and I will have a direct access into them." Acenbrak stated that was the RDOT's thoughts. He will be happy to answer any questions the Planning Commission might have.

Cheryl Greenway asked if there were any questions for transportation. There were none. Greenway asked if the applicant had any additional comments that they would like to add before she opens the meeting up to the public.

Kenneth Wood stated that from their standpoint they love connectivity. They are all for connectivity for getting people back and forth. The only reason on this one in particular that they have made the stand that they have is just because it comes right into the middle

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of a subdivision. They just think about everyone living in this area walking through this subdivision to get to this location. It just feels kind of weird. That was the applicant's position. Kenneth Wood thanked the Planning Commission.

Cheryl Greenway stated that at this point, just to remind the audience that they will have a 20-minute limit for those speaking in favor of and 20 minutes for those speaking in opposition of the applicant. She would like to start out by opening up the public comment portion of the meeting to anyone who would like to speak in favor of the applicant. Please come up and have a card that he can give the city people with his name and address and please state the same and speak into the microphone.

Stephanie Holland
Chattahoochee Street

Stephanie Holland stated that she is a resident on Chattahoochee Street. She is speaking in favor of the development and she is not going to bring up the density concerns and the village look that they certainly have, they definitely have concerns about the density as well. But they do have concerns about the traffic cut through. If one lives there and is familiar with this area, if Atlanta Street shuts down or there is a problem on Marietta Hwy., it does lend itself to be a cut through. And with 16 new residences being built that increases the traffic as well. Holland was wondering if there was going to be or if there has been a traffic study that the impact of these new residences in the area? It is a very walkable area, bikers...they don't have sidewalks. They do walk on the road. There is tons of walking all the time so they do understand that there won't be sidewalks within this new development, that there will sidewalks along the side on Pine Street and Chattahoochee Street for the property that is going to be owned.

Cheryl Greenway stated that it was discussed earlier that there would be sidewalks inside.

Holland stated their concern also is in addition to the sidewalks is to add street lamps as Roswell currently does with all of their new development. Holland stated that there is a tree, a specimen up on Pine Street on the left and she the residents were wondering if the sidewalk is to be built if the sidewalk could be built around or in front and to preserve that big tree. It is a hard wood and it is a remarkable tree.

Holland stated there are also concerns about erosion in this area. Right now they have a run off and one of the neighbors actually goes out every time it rains. He does shovel off the street. The neighborhood has a creek. There is also a stream that runs underneath the road and on some of their properties. They do have a lot of wildlife, hawks, they have otters that come up from the Chattahoochee River. So, they are concerned about the erosion from the building and they are hoping that that will be contained as well.

As far as the amenities, there is an abandoned house not on this property that is going to be developed but across the street. It has been abandoned for at least 2+ years and just

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perhaps maybe if the builder would want to consider purchasing that piece of property. Holland does not know if it is available or not for a pocket park for amenities.

Stephanie Holland thanked the Commission.

Cheryl Greenway asked if there was anyone else that would like to speak in favor of the applicant. For the record no one came forward. Cheryl Greenway asked if there was anyone who would like to speak in opposition of the applicant. Please come up and state one's name in the microphone and give his card to the city.

Milton David Dean
365 Chattahoochee Street

Milton David Dean stated that he lives at the bottom of the hill. He is the guy that shovels the road when it rains too much. He has been washed out in the last 17 years twice due to erosion. The developments have already been in place above him. Dean was aware that there was a rule about one property, one foundation, one house in place. This is an example of greed on the developer's part. This is like four pieces of land that cannot support all of the roofing that is going to be in there. Dean stated that he is already paying money in taxes, because the city put a tax on him for drainage on his property. He has the smallest piece of property in the land and he is paying more than the minimum price. He will complain to the city later on.

But the bottom line is being washed out twice has hurt Dean. He has to do a lot of work. He has helped the city of Roswell rebuild the ditch out in front of his house. Right now that road cannot support what is going on with the drainage that they have. They have a problem with the cut-through. It is where they want to put their little sediment pond, the run off pond. Pay attention guys, one cannot put the sediment pond at the top of the hill. Water runs downhill, he knows. It is going to run down behind his house, to his neighbor on the back side. When the Wieland project went in, every time they re-grade to do back yards on the property next door to Dean, if they do it wrong it misses the sediment pond back there and runs past him. Right across his back yard. Their place where they are going to drain is going to be more drainage behind Dean. He has a problem with...he has several problems.

According to the plans it looks like they want three-story houses. What is that all about? Dean thought they had a height requirement. Anyone pay attention to pictures? The road itself is going to be a public road and Dean cannot park on it. When did that happen? Where is the fire hydrant? Where is approval from the fire chief that says they can put out this fire? They just had eight houses go up in Northern Cobb County, down near the airport, wherever it was because the wind was blowing and all of those houses, eight of them, burned up. Too close. Where is the guarantee that is not going to happen guys?

Dean stated as mentioned before the visitors are not going to be able to park. That is ridiculous. One has to live where he buys his house and he raises his kids and where he

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comes home at night. If his car doesn't, he doesn't want to...his car is smoking a little bit, is going to park that in the house? That is not going to happen. People are going to leave them outside. The length of the driveways, with a 20-foot road, which is what they were talking about at the other meeting, must cars are about average about 16 feet. How can one turn into this small congested little area into the house? Imagine three guys coming home and trying to park at the same time. It is not going to happen.

Dean stated that they have a real big problem with the cut-through going through the traffic which was talked about just a second ago. One can't open up...they are already a secluded neighborhood. It is nice. There are larger houses going up right now that Dean thinks are above the limit they are supposed to be. They are shading a little house in between where Ms. Blackwell, she used to be the postmaster of the Roswell area. They tore her house down, brought in a kit house, it is already up and they took down the trees. The house right next to that, they had trees marked that weren't supposed to come down and every last tree got knocked down.

Cheryl Greenway told Milton David Dean that she needs for him to concentrate on this development as far as comments. Dean stated that he does not think they can build anything like they say they are going to build. Greenway understood but she asked Dean to make his comments toward this development and not what was done on another house or another piece of property. They need the talk to stay clearly about this development.

Dean apologized and stated that right now they have a big huge development across the street that hasn't been finished yet. If they want to make some money, let them finish that one.

Dean stated that the real bite about this is it is too small of an area for so many houses. Have any of the Commissioners gone up there and looked? Cheryl Greenway stated that they had. Dean stated that they want to put that pond at the top of the hill. That's insane! One cannot do that and put this road that they are talking about putting in. The creek itself is already washing out. There is an eight-inch water line out in front of Dean's house basically on the lot across the street that is exposed because of runoff from the other developments, the Enclave and the other one. Greenway clarified that Dean is on Chattahoochee. Dean stated that he is on Chattahoochee and it is eating his neighbors' plants and it's exposed and his house rumbles. He can feel the buses come down. That means there is water right around there. The driveway across the street from him is caved in again. This will be the third time they have had to...

Cheryl Greenway stated that she does not mean to cut Dean short but he has made his case about their being a water problem and what she wants to be sensitive to is there are other people that want to talk also. At least, she is thinking so. If not, Dean can come back up. But she is getting the feeling there are more people wanting to talk.

Dean stated that would be great. He would love for his neighbors to say something because now is the time to defend themselves. The bottom line is this is a full-fledged

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greed factor here. They tore down four houses illegally, the previous owner on that property. Hello.....about 16 now? Anyway, let somebody else talk for awhile. Sorry folks.

Cheryl Greenway thanked Milton David Dean and asked if there was anyone else that would like to speak in opposition of the development.

Bonnie Lieget
365 Chattahoochee Street

Bonnie Lieget stated that she has been at 365 Chattahoochee Street for almost 20 years and the property that they are trying to develop is way too small she believes for the amount of houses they want to put on that property. And yes, as the Commission sees in the diagram that the applicant has they want to put the retention pond at the top of Pine Street. The residents do have a problem with water run off thanks to the Barrington Gates property and the Enclave and the other development that has really deteriorated their....because of the excess of the water run off. Lieget just thinks that it would be wrong for the Planning Commission as a council to change the zoning from a single family dwelling on that piece of land to the TR-2 that they want to change it to. It is just too much development at the top of their hill and it has really destroyed the beauty of their neighborhood and it will if the Commission allows it to go through, to change the zoning to town homes. There are just too many town homes for that small piece of property! Lieget would really appreciate it if the Commission would not let it go through. Please don't change the zoning in their neighborhood. They are single family dwellings and she would like it to stay that way personally. She can only speak for herself.

Cheryl Greenway stated that the only thing that she wanted to clarify is the Planning Commission is just a recommending board. They are not the council. Lieget stated that she understands that. But it is a concern. Greenway stated that she understands but Lieget called them the council. Lieget apologized. Greenway stated that is all she wanted to clarify. Lieget stated that she is a little upset because of what is being considered here tonight as a person that lives in that neighborhood. She understands that the Planning Commission does not make the decision; it is the mayor and city council that they are going to have to come up with in a month. She asked that the Commission to please not allow this to happen to her neighborhood. Please don't!

Cheryl Greenway thanked Bonnie Lieget and asked if there was anyone else that would like to speak in opposition of the applicant.

Gayle Battersby
370 Chattahoochee Street

Gayle Battersby stated that again the same thing that the other neighbors said. If they can just have a study to see if their small roads can handle the impact of 16 to 36 to 48 cars. They do have a walking community and with that the safety. If one has a child on that

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road and he is walking down the street and there are no sidewalks on either side where they are. It is a danger. So just think about the safety part. That is all Battersby wanted to say.

Cheryl Greenway thanked Gayle Battersby and asked if there was anyone else who would like to speak in opposition to the applicant. Hearing no one, she stated that it is now the chance for the applicant to come back up and comment on what comments were made by the public.

Kenneth Wood stated that in looking at the erosion control they are not aware...they hear the comments about the issues. The land that currently exists there, the homes were demolished so a lot of it is open land. As one knows, Wood does not know if there is a whole lot of detention in that whole area at all. Some of it is an older neighborhood. Some of the new homes that have been built don't have any water quality or detention facilities with them. This property in general does not have any run off control at all for it and the new development coming in has two different systems. Pine Street goes up and then it crests and it has a basin that drains toward the commercial and that is where one of the storm water controls are. And there is another storm water control on the western property line. As the Commission knows the city of Atlanta's storm water and erosion control ordinance is amongst the most stringent in the state of Georgia and rightfully so. Danelle Volpe concentrates on trying to infiltrate a lot of the water and not release it at all. And that is why Wood has designed a lot of the systems that they are looking at for this site. So, from an erosion control and storm water standpoint they think it will be an improvement to what is going on in the area where it has no control currently.

Wood stated that on the fire code, they fully intend to comply with every part of the fire code with the fire marshal on the site. They have met with Paul Picarilli on it and he has seen the design. They do have requirements to run a new water line that would connect Pine Street to Chattahoochee Street and have hydrants based off of that water line. So, they would have fire protection directly there in the community as well as each of the buildings would meet the fire code.

The road that Wood is proposing is not 20 it is a 24-foot wide road with the curb and gutter and then it has the sidewalks and the landscape strips and they felt like that is the public road infrastructure. In meeting with Serge Osse in the transportation department everyone felt like that was a sufficient road and a common road for the city.

They did not do a traffic study for the site. In looking at the area, having connection...most subdivisions a lot of time come in and just have a cul-de-sac and dead end. They are fortunate in this one that they are able to actually provide a public connection from Pine Street over to Chattahoochee and so it actually gives two different means of flow ingress in and out of the community. And the roads right now are the standard roads. They do not have the sidewalks and Wood is hoping that as revival and this development hopefully would come along that that would again start encouraging more sidewalks from the public improvement side to be built in that area. They are going

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to contribute their part to that and they hope it continues because they want to see it on there.

On the top of the hill, the pond, they had the field run/topography done and it breaks in two basins so Wood just wanted to reemphasize that is why they have the two different systems of controls. They did not want to want to split the basin in two all into one. They are trying to keep the same drainage patterns and keep this water in this basin and this water in this basin. That is why they have the two controls for that.

Harvey Smith stated that he had a question addressing the erosion and water retention. He is kind of curious why some of the department comments under the environmental department, they recommended that a storm water concept meeting strongly be encouraged. And in reading their comments it does not appear that the existing layout will provide adequate space to comply with the storm water ordinance. An additional lot may be required to be dedicated as storm water infrastructure. Can Kenneth Wood comment on those comments?

Kenneth Wood stated that they have looked at the volume requirements and they know that they work internally. They have also conducted a full hydrology study and if in the end for some reason it did not work, then it is was it is and a lot would have to go. But right now they have done their calculations and it is adequate.

Harvey Smith clarified that the hydrology study was done before Wood met with them or they had that data before or after. Wood stated not at the time they met. They met with them earlier on got advice from her about the type of systems she wanted to see in there for the different things and then they looked at it after that. And actually the site plan has been revised since that meeting and there is more area to that pond and to the other area on the plan. Smith clarified that they have not looked in detail yet...he knows this is kind of preliminary but it just seems like there is a lot of density on the property and they are going to create a lot of impervious surface on another street. So if one thinks runoff is bad now, if he gets a public street going through the heart of the property and they have the maximum footprints, 38 x 58 or almost 40 x...he is creating 2000 square feet times 16, 32,000 square feet plus a street it's like "you ain't seen nothing yet."

Kenneth Wood stated that no matter how much impervious one provides that is his calculation for hydrology. It has to be based off of that. Smith stated that his only comment is they haven't seen Wood's data yet so this is a concept drawing. In Smith's opinion this is still very preliminary.

Wood stated that if for some reason when they went to staff review if they found that he did not have enough volume, he would have to provide that volume on it. But they have done internally and that is why this is a re-submitted site plan. Harvey Smith clarified that Wood is prepared to revise it if the staff deems it not sufficient. Wood stated absolutely. Smith stated that he might give up a lot or two if necessary. Wood stated absolutely. But

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in rebuttal to that comment they went back and looked at it and that is why they shoved the lots further to the north to make a bigger area.

Bryan Chamberlain stated that there was a question from the floor. Someone asked about street lamps. Is this street to be lamped? Wood stated absolutely. The whole feel as one goes down and have the street with the beauty strip and the sidewalks, they want to have street trees and street lamps. They want the streetscape that is a custom in Roswell as one goes down through there. And that is to be worked out with the power company and the decorative style. That is a very important part and that also goes back to the whole transportation thing of why they did not want to have that coming in.

Cheryl Greenway stated that in the department comments from the fire department they mentioned that the turning radius into the alley is inadequate. How has that been addressed? Kenneth Wood stated that they actually have since met with Paul Picarilli and at the time when he was looking it, he was looking at it as a road that he would turn down into. When Wood met with Piccarilli he described that they were not trying to create a massive road of access. They wanted to just slip a rear alley for access to those homes. After that meeting and Jackie Deibel was present at that meeting they agreed that they have access from the front of the site and access from that public road and there would not be a reason to pull down into that alley because it is really just...they just want it to be a small residential street to keep the flavor of the community. That is why it is only 16 feet wide. Greenway clarified that they would access it from Pine Street. Wood stated that was correct.

Cheryl Greenway thanked Kenneth Wood.

Harvey Smith stated that he had one other question related to how these are...his concern is they are single family homes but they are connected by the wall, is that correct, by the drawing that was submitted. Smith clarified that is how they will be in compliance, that's how they will meet the R-TH guidelines. Is that correct?

Kenneth Wood stated that was correct. Under R-TH one can combine them together and do a traditional town home. In their case they are 10 feet apart so they are spread apart just like a regular detached. Then to bring in an architectural element instead of just providing like a connection to meet the ordinance they wanted to do something a lot more decorative with the brick and then have something open with the gates and the arbor above. That design meets the requirement for the R-TH.

Harvey Smith stated that he was just curious, and he is not a lawyer, but how does that...these are town houses but they are going to be connected. Wood stated that they will be fee simple based on those lots. Smith asked how it would be delineated when they are connected? Are they going to adjoin everything? Smith is just curious how that works from a title perspective. Is he going to have exceptions to the title policies on each piece of property? How does that work?

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Kenneth Wood stated that he thinks it is all covered under the declarations of the covenants that have to go in the community. There are a lot of these in Milton, John's Creek where a lot of the areas are built and are very successful. He knows they have done them and they are all fee simple. He does not know exactly the technical term for how they do it, but he knows they are covered under the community association documents for that.

Harvey Smith thanked Kenneth Wood.

Cheryl Greenway asked if there were any further questions for the application. Hearing none she thanked Kenneth Wood. Greenway asked if the Commission had any other questions for the city.

Harvey Smith stated that he had one question for Brad Townsend related to the questions. Do they have another development that has met this criteria yet? He has seen a couple of proposals, but to meet this R-TH that they are talking about. Has the city approved anything? Smith does not think anything has been built yet. Is that correct?

Brad Townsend stated that the city has not had one built under this criteria yet, no. The last rezoning on Nesbit Ferry was very similar to that. And then the....Harvey Smith stated that that is not built yet either. But he thinks the safety concerns...he reads a lot of these comments, the department comments and he guesses that they are going to come back up. The fire department has a lot of concerns about the safety issues. Smith knows from personal experience he has built stuff four feet apart and it is still a concern that a one-hour rated assembly, is it going to work if it is tested. These are 10 feet apart. He is just looking from a city perspective that they are introducing something. Again, they are trying to make something fit. But these are not town houses. These are single family homes that they are trying to make them fit and that is Smith's primary concern. He thinks they are cutting their teeth on something and it doesn't work right here.

Cheryl Greenway asked if there were any questions for the city. Hearing none. Greenway closed the public session. She asked if there was any other discussion among the Commissioners. Hearing none she called for a motion.

Harvey Smith stated that he did not have a motion yet, just discussion. He just has concerns that they are not ready for this type...this zoning is not appropriate for what is proposed. They are trying to make a lot of things work with this piece of property that he does not think that is the intention of that R-TH code. He thinks that there are issues that can come up from a fire and safety issue. It is too much for three point how many acres when one has probably more than 50 or 60 percent of it covered with impervious surface. And the issues of what it will look like, the streetscape, the parking. From a practical standpoint Smith just thinks they have over-killed something. The parking is too close to the street from a practical standpoint. Everyone knows the comments Cheryl Greenway made that with the two-car garage one is going to have stuff in there. These are not being addressed. He guessed these are slab foundations. He does not think they are basements.

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Storage will be a premium. Where does one put lawn mowers, where does he put bicycles and that kind of stuff. With a 16-member HOA he doubts that everybody is going to want to be everybody's friend. One is not going to have cars towed every other day.

Smith personally thinks they need to go back to the drawing board with a piece of property. He cannot move for an approval of this. Cheryl Greenway asked Smith if that was a motion. Smith stated that it was not.

Lisa DeCarbo stated that she has a hard time with this also. She too thinks it is too many things. She thinks they are trying to create a small lot, single family or detached home development under zoning that doesn't really support that. She concurs with everything that Harvey Smith said. If one draws in all of the driveways that they are going to have on this property, they are half the face of each of these units. They have a sea of concrete there in the center of this. It is not going to have the ambience that she thinks they are going for. They have pulled the buildings fairly close to the sidewalk so that there is not really enough room to store a car, but there are also not so close and landscaped and just not having the vehicular access there, one does not have that nice, neighborhood feel. It is like a halfway in between both of those approaches. So they are not achieving either one. They need to set them back more if they really want to be able to store cars effectively out front. But then as they said they don't have a back yard. Well, maybe they just don't have enough room for this many units of that type then. She thinks that back to the drawing board unfortunately would be best for everyone. The neighbors and the folks who will ultimately live in the development on this property.

Bryan Chamberlain stated that in thinking through the comments made from both the public in favor and the public in opposition as well as comments here on the Commission, parking, density, run off, traffic and make fit zoning seem to be an awful lot things that don't point in favor of this fitting for that particular section of the community. They are awfully big houses that are going to have a lot of people living in them which brings up the whole number of cars. And that is a day to day reality. Chamberlain stated that he has a problem in his neighborhood. One can't have a lot of cars and no place to put them. So, as Harvey Smith said, it may need to be rethought, rear access as is The Enclave as an example where one does not see the cars. He doesn't know how many cars they have but at least they are not out at the street making a problem. But Chamberlain does not see one makes that kind of housing arrangement work in this small lot with 16 houses.

Motion

Harvey Smith stated that he would like to make a motion that RZ12-09 and CV12-04, that this zoning request be denied in its entirety.

Joe Piontek seconded the motion.

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Cheryl Greenway called the question. The motion was approved unanimously. The application has been denied .

At this time the Planning Commission took a five-minute break.

CONDITIONAL USE

12-0540

CU12-04, CV12-05

275 Hardscrabble Road

Land Lots: 359 and 360

Brad Townsend stated that this is the application from World Harvest Church for 275 Hardscrabble Road. This is a piece of property that has an existing home that is owned by the church. The applicant is requesting a conditional use in order to use the house for office and small group meetings. There are several variances requested with the conditional use due to the existing location of the structure and the parking.

Staff is recommending denial of the conditional use and the concurrent variances.

Brad Townsend showed the surrounding area. As one can see it is all residential homes across Hardscrabble Road. The existing house backs up to the Wexford development. This aerial gives one a good representation of the existing World Harvest Church. They then have a smaller church facility between this and the existing home that they are requesting to use for assembly and offices at this location.

Staff is recommending denial because of the intensification of the property. It can be used for an existing home. That it might be detrimental to the area if the use is for offices and assembly. There is no sidewalk currently along Hardscrabble in front of this structure. If the members are parking at the parking of the World Harvest location and trying to get to the house, there is no sidewalk for that.

Brad Townsend asked if the Planning Commission had any questions of staff at this time.

Harvey Smith asked Brad Townsend to go back to that other...does the church not own the property in between? Townsend stated that they do not. He is sure they have tried to approach that a couple of times. When that takes place the rest of those dominoes seem to fall. Smith clarified that was not part of the property. Townsend stated that was correct.

Bryan Chamberlain asked Brad Townsend if he could expand a little bit on why the denial. Townsend stated that anytime one takes an existing residential structure and change its type of occupancy, he intensifies the uses. When one thinks of this as a home, three or four cars. Let's say they have children, four cars, whatever. That is the maximum number of traffic one thinks. If one uses this as an office, if he uses this as a gathering spot, the times change of when as to the coming and going, the intensification of that

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